

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAVAUGHN ROBINSON,

Plaintiff,

v.

SCOTTINI,

Defendant.

No. 2:23-cv-0171 WBS KJN P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 03, 2023, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis, and that court's own records reveal that on September 8,

2022, plaintiff filed a complaint containing virtually identical allegations as those in this action.
(Robinson v. Scottini, 2:22-cv-1641).

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed March 03, 2023, are adopted in full; and
2. Due to the duplicative nature of the present action this action is dismissed without prejudice. See Fed. R. Civ. P 41(b).

Dated: April 12, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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